

**FILED**

SEP 28 2010

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

**JUDICIAL COUNCIL  
OF THE NINTH CIRCUIT**

**IN RE COMPLAINT OF  
JUDICIAL MISCONDUCT**

Nos. 09-90202, 09-90203 and  
09-90204

**ORDER**

**KOZINSKI**, Chief Judge:

Complainant filed a misconduct complaint against a district judge who has since resigned. This complaint must be dismissed as moot. See In re Charge of Judicial Misconduct, 91 F.3d 90, 91 (9th Cir. Jud. Council 1996).

Complainant further alleges that another district judge and a magistrate judge made various improper substantive and procedural errors in his habeas case. These charges relate directly to the merits of the judges' rulings and must therefore be dismissed. See 28 U.S.C. § 352(b)(1)(A)(ii); Judicial-Conduct Rule 11(c)(1)(B); In re Charge of Judicial Misconduct, 685 F.2d 1226, 1227 (9th Cir. Jud. Council 1982).

Complainant further alleges that the judges "Waste[d his] time For Nothing" when they "took two years" to decide his habeas petition. But complainant provides no evidence of improper motive or habitual delay in unrelated cases, so this allegation must be dismissed. Judicial-Conduct Rule 3(h)(3)(B); In re

Complaint of Judicial Misconduct, 567 F.3d 429, 431 (9th Cir. 2009).

**DISMISSED.**